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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

KALEN VIXAMAR : DOCKET NO. 2:05-cv-681  
Section P  
VS. : JUDGE TRIMBLE  
DIRECTOR, IMMIGRATION & : MAGISTRATE JUDGE WILSON  
CUSTOMS ENFORCEMENT, ET AL.

**ORDER**

The court is currently in receipt of a letter from *pro se* petitioner, Kalen Vixamar, in which he seeks to have the court reconsider its denial of his motion for an injunction. His chief objection to his removal from the United States is not that he will be removed but that the immigration officials are attempting to remove him to Haiti, a country to which he allegedly has no ties. He claims that removal to such a country is not lawful.

Section 241(b) of the Immigration & Nationality Act governs the designation of a country to which an alien can be removed. While the primary intention is to remove an alien to a country designated by him, there are limitations on his designation, and the Attorney General may disregard the alien's designation under certain circumstances. *See* INA § 241(b)(2)(B), (C). When the alien is not removed to the country designated by him, the Attorney General shall remove the alien to a country where the alien is a subject, national, or citizen unless that country will not accept the alien. *See* INA § 241(b)(2)(D). If removal to such a country is not possible, the Attorney General shall consider certain factors in determining a removal country. *See* INA § 241(b)(2)(E). In the absence of other alternatives, the Attorney General may remove the alien to another country whose government will accept the alien into that country. *See* INA § 241(b)(2)(E)(vii).

For these reasons and those stated in the prior order denying petitioner's motion for an injunction [doc. 5], his Motion for Reconsideration is hereby DENIED.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 28<sup>th</sup> day of July, 2005.

*James T. Trimble, Jr.*  
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JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE